

MEMORANDUM OF AGREEMENT

between

U.S. EPA REGION VI

and

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

on

CUMULATIVE RISKS

I. Background.

a. This Memorandum of Agreement (MOA) establishes the goals and methods that will facilitate the joint sharing of information between U.S. Environmental Protection Agency (EPA) Region VI (EPA Region VI) and Texas Commission on Environmental Quality (TCEQ), jointly referred to as "Parties," in the study of cumulative risks.

b. The TCEQ is assessing issues relating to cumulative risks as provided by Texas Water Code, Section 5.130 which states that "[t]he Commission shall: (1) develop and implement policies, by specific environmental media, to protect the public from cumulative risks in areas of concentrated operations; and (2) give priority to monitoring and enforcement in areas in which regulated facilities are concentrated.

c. The EPA, in response to increasing focus on cumulative risks, has begun to explore cumulative approaches to risk assessments. The EPA has convened a technical panel called Risk Assessment Forum (RAF) to develop a framework for cumulative risk assessments.

II. Purpose.

a. The purpose of this MOA is to set forth understandings of relationships and responsibilities to allow the Parties to share information relating to the further study and consideration of cumulative risks, in areas including permitting activities, rules, and policies.

b. The Parties recognize that definitions, approaches, and methodologies toward studying of cumulative risks may differ between the Parties, and that there are situations where coordination and sharing of information may be mutually beneficial as each agency seeks to better understand various aspects of cumulative risks.

III. Responsibilities.

a. The Parties mutually agree:

1. That the Parties will support the exchange of technical information relating to the study and consideration of cumulative impacts in areas including permitting activities, rules, and policies.

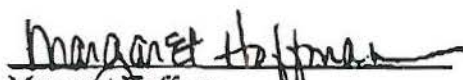
2. That each Party will provide the requested information to the extent possible without disrupting its own activities.

3. That both Parties may coordinate, where appropriate and contingent upon funding, on research and data-collecting activities related to cumulative risks.
4. That each Party will appoint representatives to facilitate the sharing of information and coordination under this MOA. These representatives shall serve as the points-of-contact between the Parties on matters relating to this MOA.
5. That each Party will request information or request for coordination on projects relating to research or data-collecting activities through the appointed representative.
6. That each Party will coordinate with the other prior to any press releases, or other public affairs information related to joint efforts under this MOA.

IV. Effect of MOA


This MOA is effective upon the date of the last signature by the Parties and shall remain effective for a two-year period from the effective date unless terminated in accordance with this MOA. Either Party may terminate this MOA by providing 90-calendar days written notice. This MOA may be modified by mutual consent of the Parties.

On behalf of the Texas Commission on Environmental Quality,


Margaret Hoffman,
Executive Director

28 January 2004
Date

On behalf of the U.S. Environmental Protection Agency, Region VI,


Lawrence E. Starfield
Deputy Regional Administrator

2/19/04
Date